



Tennessee Supreme Court  
**DISCRETIONARY APPEALS**

Grants & Denials List

May 13, 2019 - May 17, 2019

**GRANTS**

<b>Style/Appeal Number</b>	<b>County/Trial Judge/ Trial Court No.</b>	<b>Intermediate Court</b>	<b>Supreme Court Action</b>
<b><u>Nashville</u></b>			
VICKIE S. YOUNG, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF RANDALL JOSH YOUNG, DECEASED v. FRIST CARDIOLOGY PLLC, ET AL. M2019-00316-SC-R11-CV	Davidson County Circuit Court Joseph P. Binkley, Jr. 17C597	Per Curiam: Case Dispositional Decision	Granted: Application of Thomas J. Killian and Frist Cardiology PLLC  Order filed 5-16-19 (See Attached Order)
<b><u>Knoxville</u></b>			
STATE OF TENNESSEE v. ABBIE LEANN WELCH E2018-00240-SC-R11-CD	Knox County Criminal Court G. Scott Green 107201	Easter, Timothy L.: Affirm	Granted: Application of Abbie Leann Welch  Order filed 5-17-19 (See Attached Order)
KEN SMITH AUTO PARTS v. MICHAEL F. THOMAS E2018-00928-SC-R11-CV	Hamilton County Circuit Court Ward Jeffrey Hollingsworth 17C720	Swiney, D. Michael: Affirm in Part	Granted: Application of Ken Smith Auto Parts  Order filed 5-17-19 (See Attached

**DENIALS**

<b>Style/Appeal Number</b>	<b>County/Trial Judge/ Trial Court No.</b>	<b>Intermediate Court</b>	<b>Supreme Court Action</b>
<b><u>Nashville</u></b>			
CATLIN J. GROVES, ET AL. v. TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY M2016-01448-SC-R11-CV	Davidson County Chancery Court Russell T. Perkins 15-1225-IV	McBrayer, W. Neal: Affirm	Denied: Application of Gordon Groves  Order filed 5-16-19
STATE OF TENNESSEE v. LESERGIO DURAN WILSON M2017-01950-SC-R11-CD	Davidson County Criminal Court Cheryl A. Blackburn 2010-B-1227	Dyer, J. Ross: Affirm	Denied: Application of Lesergio Duran Wilson  Order filed 5-16-19
DWIGHT MITCHELL v. STATE OF TENNESSEE, DEPARTMENT OF HEALTH M2017-02041-SC-R11-CV	Davidson County Chancery Court Ellen H. Lyle 17-295-III	Dinkins, Richard H.: Affirm	Denied: Application of Dwight Mitchell  Order filed 5-16-19

SIMA ARYAN v. NICOLAS ARYAN M2017-02199-SC-R11-CV	Davidson County Circuit Court Phillip R. Robinson 11D-2422	Dinkins, Richard H.: Affirm	Denied: Application of Sima Aryan  Order filed 5-16-19
DEBORAH L. AKERS v. HERITAGE MEDICAL ASSOCIATES, P. C. ET AL. M2017-02470-SC-R11-CV	Davidson County Circuit Court Thomas W. Brothers 15C4222	Clement Jr., Frank G.: Affirm	Denied: Application of Deborah L. Akers  Order filed 5-16-19
AMIR ESFANDYARI v. TINY'S CONSTRUCTION, LLC M2018-00395-SC-R11-CV	Davidson County Chancery Court Ellen H. Lyle 16-1158-III	Clement Jr., Frank G.: Affirm	Denied: Application of Amir Esfandyari  Order filed 5-16-19
RELIANT BANK v. KELLY D. BUSH ET AL. M2018-00510-SC-R11-CV	Williamson County Chancery Court Deanna B. Johnson 41461	McBrayer, W. Neal: Reverse	Denied: Application of Kelly D. Bush, and Bryon V. Bush  Order filed 5-16-19
VICTOR EUGENE MCCONNELL v. STATE OF TENNESSEE M2018-00883-SC-R11-HC	Davidson County Criminal Court Steve R. Dozier 5339	Dyer, J. Ross: Affirm	Denied: Application of Victor Eugene McConnell  Order filed 5-16-19

WILLIS PRICE ET AL. v. CITY OF MEMPHIS EX  
REL MEMPHIS POLICE DEPARTMENT  
M2019-00296-SC-R23-CV

U.S. District Court, Western District (West.  
Div.)  
John T. Fowlkes  
2-17-cv-02772-JTF-ege

Denied: Court denies the  
certification  
  
Order filed 5-13-19 (See Attached  
Order)

**Knoxville**

NATASHA BATES v. STATE OF TENNESSEE  
E2017-01613-SC-R11-PC

Bradley County Criminal Court  
Sandra Donaghy  
16-CR-286

Ogle, Norma McGee: Affirm

Denied: Application of Natasha  
Moses Bates  
  
Order filed 5-16-19

STATE OF TENNESSEE v. NICHOLAS WYATT  
BARISH  
E2017-01794-SC-R11-CD

Knox County Criminal Court  
G. Scott Green  
97586

McMullen, Camille R.: Affirm

Denied: Application of Nicholas  
Wyatt Barish  
  
Order filed 5-16-19

STATE OF TENNESSEE v. TAYLOR SATTERFIELD  
E2017-02207-SC-R11-CD

Hamilton County Criminal Court  
Don W. Poole  
294056

McMullen, Camille R.: Affirm

Dismissed: Application of Taylor  
Satterfield  
  
Order filed 5-17-19

STATE OF TENNESSEE v. HEATHER MONTGOMERY E2018-00388-SC-R11-CD	Knox County Criminal Court Steven Wayne Sword 105486B	Glenn, Alan E.: Affirm	Denied: Application of Heather Montgomery  Order filed 5-16-19
STATE OF TENNESSEE v. MELANIE LEWIS E2018-01641-SC-R11-CD	Cumberland County Criminal Court Gary McKenzie 11-0077B, 11-0078B	Montgomery Jr., Robert H., Ogle, Norma McGee, Thomas Jr., D. Kelly: Case Dispositional Decision	Denied: Application of Melanie Lewis  Order filed 5-16-19
MICHAEL BENANTI v. JAMIE SATTERFIELD ET AL. E2018-01848-SC-R10-CV	Knox County Circuit Court Kristi M. Davis 1-414-17	Per Curiam: Case Dispositional Decision	Dismissed: Application of Michael Benanti  Order filed 5-13-19
<b><u>Jackson</u></b>			
LARRY JOHNSON v. STATE OF TENNESSEE W2017-00503-SC-R11-ECN	Shelby County Criminal Court James M. Lammey 98-06749	Montgomery Jr., Robert H.: Affirm	Denied: Application of Larry Johnson  Order filed 5-17-19
CARL ALLEN v. JOSEPH S. OZMENT W2017-00887-SC-R11-CV	Shelby County Circuit Court Jerry Stokes CT-002625-13	Stafford, J. Steven: Affirm	Dismissed: Application of Carl Allen  Order filed 5-17-19

STATE OF TENNESSEE v. SONCEARAE LOBBINS W2017-01398-SC-R11-CD	Shelby County Criminal Court Paula L. Skahan 14-04801	Wedemeyer, Robert W.: Affirm	Denied: Application of Soncearae Lobbins  Order filed 5-16-19
CHARLES PENNINGTON v. STATE OF TENNESSEE W2017-01596-SC-R11-PC	Shelby County Criminal Court W. Mark Ward 10-07093	Easter, Timothy L.: Affirm	Denied: Application of Charles Pennington  Order filed 5-17-19
STATE OF TENNESSEE v. TORAVRIUS E. MASON W2017-01863-SC-R11-CD	Haywood County Circuit Court Clayburn Peeples 7345	Woodall, Thomas T.: Affirm	Denied: Application of Toravrius E. Mason  Order filed 5-17-19
STATE OF TENNESSEE v. JACQUET MOORE W2017-02058-SC-R11-CD	Shelby County Criminal Court James M. Lammey 14-05951	Dyer, J. Ross: Affirm	Denied: Application of Jacquet Moore  Order filed 5-17-19

STATE OF TENNESSEE v. MARTINOS DERRING W2017-02290-SC-R11-CD	Shelby County Criminal Court Lee V. Coffee 14-05922	Easter, Timothy L.: Affirm in Part	Denied: Application of Jacquet Moore  Order filed 5-17-19
PEE WEE WISDOM CHILD DEVELOPMENT CENTER INC. ET AL. v. PAUL G. SUMMERS IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL AND REPORTER FOR THE STATE OF TENNESSEE W2017-02437-SC-R11-CV	Shelby County Chancery Court Jim Kyle CH-02-1540	Gibson, Brandon O.: Affirm	Denied: Application of Homer L. Cody  Order filed 5-16-19
MARIO JOHNSON v. STATE OF TENNESSEE W2017-02461-SC-R11-PC	Shelby County Criminal Court James C. Beasley, Jr. 11-07452	Thomas Jr., D. Kelly: Affirm	Denied: Application of Mario Johnson  Order filed 5-17-19
STATE OF TENNESSEE v. GREGORY GILL W2018-00331-SC-R11-CD	Madison County Circuit Court Roy B. Morgan, Jr. 16-423	Holloway Jr., Robert L.: Affirm	Denied: Application of Gregory Gill  Order filed 5-16-19

JUNE ACUFF v. SALLY BAKER W2018-00687-SC-R11-CV	Shelby County Circuit Court Felicia Corbin Johnson CT-002525-16	Armstrong, Kenny W.: Reverse in Part	Denied: Application of June Acuff  Order filed 5-16-19
TYRONE CHALMERS v. STATE OF TENNESSEE W2018-01650-SC-R11-PD	Shelby County Criminal Court Chris Craft P24965	Per Curiam: Case Dispositional Decision	Denied: Application of Tyrone Chalmers  Order filed 5-17-19
STATE OF TENNESSEE v. REGINALD MCWILLIAMS W2018-01829-SC-R10-CD	Shelby County Criminal Court Glenn Ivy Wright 16-05484	Glenn, Alan E., McMullen, Camille R., Williams, John Everett: Case Dispositional Decision	Denied: Application of Reginald McWilliams  Order filed 5-17-19
VERNON CHARLES PATTON V. STATE OF TENNESSEE W2018-01835-SC-R11-HC	Shelby County Criminal Court John Wheeler Campbell 17-05076, 18-01030	Holloway Jr., Robert L.: Affirm	Denied: Application of Vernon Charles Patton  Order filed 5-17-19
STATE OF TENNESSEE v. OCTAVIOUS TAYLOR W2018-01844-SC-R10-CD	Shelby County Criminal Court W. Mark Ward 10-00017, 10-00018	Per Curiam: Case Dispositional Decision	Denied: Application of Octavious Taylor  Order filed 5-17-19





**IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE**

<b>FILED</b> 05/13/2019 Clerk of the Appellate Courts
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**WILLIS PRICE ET AL. v. CITY OF MEMPHIS EX REL. MEMPHIS  
POLICE DEPARTMENT**

**Rule 23 Certified Question of Law  
from the United States District Court  
for the Western District of Tennessee**

**No. 2:17-cv-02772-JTF**

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**No. M2019-00296-SC-R23-CV**

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**ORDER**

Pursuant to Tennessee Supreme Court Rule 23, a certification order was filed in this Court on February 14, 2019, by the United States District Court for the Western District of Tennessee. Briefs have now been filed pursuant to Section 7, and, upon consideration of the certification order and the briefs filed by the parties, this Court declines certification of the following question of law:

Whether crash reports generated by the Memphis Police Department are considered “motor vehicle records” under Tennessee’s Uniform Motor Vehicle Records Disclosure Act.

Upon thorough review, the Court finds that the certified question is not one which “will be determinative of the cause” as required by Rule 23, Section 1. Tennessee enacted the Uniform Motor Vehicle Records Disclosure Act, Tenn. Code Ann. § 55-25-101 et seq. (“UMVRDA”) in order to implement the federal Driver’s Privacy Protection Act, 18 U.S.C. § 2721 et seq. (“DPPA”). The UMVRDA contains a definition of “motor vehicle record” that the District Court describes as “virtually identical” to the definition of “motor vehicle record” in the DPPA. Plaintiffs filed the underlying complaint under the DPPA, which preempts any contrary state law. *See Collier v. Dickinson*, 477 F.3d 1306, 1312 n.3 (11th Cir. 2007) (“[T]he DPPA preempted any conflicting state law that regulates the dissemination of motor vehicle record information. . . . Accordingly, Defendants were bound to follow the mandates of the DPPA, even though a conflicting state law may have existed.”) (citing *Reno v. Condon*, 528 U.S. 141 (2000)); *State of Okl.*

*ex rel. Oklahoma Dept. of Public Safety v. U.S.*, 161 F.3d 1266, 1272 (10th Cir. 1998) (explaining that the DPPA “directly regulates the disclosure” of personal information from motor vehicle records “and preempts contrary state law”). Thus, this Court’s answer to the certified question will not necessarily be determinative of this cause. Accordingly, this Court, in the exercise of its discretion, denies the certification. *See* Tenn. Sup. Ct. R. 23, § 9; *Seals v. H & F, Inc.*, 301 S.W.3d 237, 241 n.3 (Tenn. 2010).

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT KNOXVILLE

**FILED**  
05/17/2019  
Clerk of the  
Appellate Courts

**KEN SMITH AUTO PARTS v. MICHAEL F. THOMAS**

**Circuit Court for Hamilton County  
No. 17C720**

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**No. E2018-00928-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of Ken Smith Auto Parts and the record before us, the application is granted. The parties are directed to address the following issues:

1. Whether the circuit court may dismiss an appeal from the general sessions court on the basis of an appealing defendant's failure to appear or to prosecute the appeal in accordance with Tenn. Code Ann. §§ 27-5-106(a) and 27-5-107; or, alternatively, whether the circuit court must grant the plaintiff a default judgment in the amount of the general sessions court's judgment or affirm that judgment, effectively entering that judgment as the circuit court's own.
2. Whether after dismissing an appeal from the general sessions court and remanding to that court on the basis of the appealing defendant's failure to appear or to prosecute the appeal, the circuit court retains jurisdiction to consider the appealing defendant's motion to set side or to alter or amend the judgment of dismissal and remand.
3. Whether after dismissing an appeal from the general sessions court and remanding to that court on the basis of the appealing defendant's failure to appear or to prosecute the appeal, the circuit court has the discretion under Tenn. Code Ann. §§ 27-5-106(a) and 27-5-107 to grant the appealing defendant's motion to set aside or to alter or amend the judgment of dismissal and remand.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT KNOXVILLE

FILED

05/17/2019

Clerk of the  
Appellate Courts

STATE OF TENNESSEE v. ABBIE LEANN WELCH

Criminal Court for Knox County  
No. 107201

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No. E2018-00240-SC-R11-CD

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**ORDER**

Upon consideration of the application for permission to appeal of Abbie Leann Welch and the record before us, the application is granted. The Court also invites interested entities and individuals to file briefs as *amicus curiae* in compliance with Tenn. R. App. P. 31. The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

FILED

05/16/2019

Clerk of the  
Appellate Courts

**VICKIE S. YOUNG, INDIVIDUALLY AND AS ADMINISTRATOR  
OF THE ESTATE OF RANDALL JOSH YOUNG, DECEASED v. FRIST  
CARDIOLOGY PLLC, ET AL.**

**Circuit Court for Davidson County  
No. 17C597**

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**No. M2019-00316-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of Thomas J. Killian and Frist Cardiology PLLC, and the record before us, the application is granted.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM